

APPENDIX B TO PART 229—SCHEDULE OF CIVIL PENALTIES¹—Continued

Section	Violation	Willful violation
Subpart D—Design Requirements		
229.141 Body structure, MU locomotives	2,500	5,000

¹A penalty may be assessed against an individual only for a willful violation. Generally, when two or more violations of these regulations are discovered with respect to a single locomotive that is used by a railroad, the appropriate penalties set forth above are aggregated up to a maximum of \$10,000 per day. However, a failure to perform, with respect to a particular locomotive, any of the inspections and tests required under subpart B of this part will be treated as a violation separate and distinct from, and in addition to, any substantive violative conditions found on that locomotive. Moreover, the Administrator reserves the right to assess a penalty of up to \$22,000 for any violation where circumstances warrant. See 49 CFR part 209, appendix A.

Failure to observe any condition for movement set forth in § 229.9 will deprive the railroad of the benefit of the movement-for-repair provision and make the railroad and any responsible individuals liable for penalty under the particular regulatory section(s) concerning the substantive defect(s) present on the locomotive at the time of movement. Failure to comply with § 229.19 will result in the lapse of any affected waiver.

[53 FR 52931, Dec. 29, 1988, as amended at 58 FR 36615, July 8, 1993; 61 FR 8888, Mar. 6, 1996; 63 FR 11622, Mar. 10, 1998]

APPENDIX C TO PART 229—FRA LOCOMOTIVE STANDARDS—CODE OF DEFECTS

EDITORIAL NOTE: Appendix C, published at 45 FR 21121, Mar. 31, 1980, as part of the original document, is not carried in the CFR.

PART 230—LOCOMOTIVE INSPECTION

AUTHORITY: 49 U.S.C. 20103, 20107 and 49 CFR 1.49.

§ 230.0 Steam powered locomotives.

(a) Any person (an entity of any type covered under 1 U.S.C. 1, including but not limited to the following: a railroad; a manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor) who violates any requirement of 49 CFR part 230, subpart A (§§ 230.1 to 230.55) or subpart B (§§ 230.101 to 230.162) as in effect on October 1, 1978, or of the Locomotive Inspection Act, or causes the violation of

any such requirement is subject to a civil penalty of at least \$500 and not more than \$11,000 per violation, except that: Penalties may be assessed against individuals only for willful violations, and, where a grossly negligent violation or a pattern of repeated violations has created an imminent hazard of death or injury to persons, or has caused death or injury, a penalty not to exceed \$22,000 per violation may be assessed. Each day a violation continues shall constitute a separate offense.

(b) Any interested person may consult the October 1, 1978 revision of 49 CFR parts 200–999 or obtain a copy of these regulations by contacting the Federal Railroad Administration, Office of Standards and Procedures, 400 7th St., SW., Washington, DC 20590.

[45 FR 21109, Mar. 31, 1980, as amended at 53 FR 28602, July 28, 1988; 63 FR 11622, 11623, Mar. 10, 1998]

PART 231—RAILROAD SAFETY APPLIANCE STANDARDS

Sec.

231.0 Applicability and penalties.

231.1 Box and other house cars built or placed in service before October 1, 1966.

231.2 Hopper cars and high-side gondolas with fixed ends.

231.3 Drop-end high-side gondola cars.

231.4 Fixed-end low-side gondola and low-side hopper cars.

231.5 Drop-end low-side gondola cars.

231.6 Flat cars.

231.7 Tank cars with side platforms.

231.8 Tank cars without side sills and tank cars with short side sills and end platforms.

231.9 Tank cars without end sills.

231.10 Caboose cars with platforms.

231.11 Caboose cars without platforms.

231.12 Passenger-train cars with wide vestibules.

231.13 Passenger-train cars with open-end platforms.

231.14 Passenger-train cars without end platforms.

231.15 Steam locomotives used in road service.

231.16 Steam locomotives used in switching service.

231.17 Specifications common to all steam locomotives.

231.18 Cars of special construction.

231.19 Definition of "Right" and "Left."

231.20 Variation in size permitted.

231.21 Tank cars without underframes.

231.22 Operation of track motor cars.